



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, November 9, 2010, 7:00 p.m.

Council Chambers, City Hall

630 E. Hopkins Street

Sherwood Bishop, Chair
Bill Taylor, Vice-Chair
Randy Bryan, Commissioner
Bucky Couch, Commissioner
Jude Prather, Commissioner
Curtis O. Seebeck, Commissioner
Jim Stark, Commissioner
Chris Wood, Commissioner
Travis Kelsey, Commissioner

AGENDA

1. **Call to Order.**
2. **Roll Call.**
3. **Chairperson's Opening Remarks.**
4. **NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*
5. **Citizen Comment Period.**
6. **CUP-10-27. Tattoo Studio.** Hold a public hearing and consider possible action on a request by Bubba Ward to allow a tattoo parlor in a Neighborhood Commercial (NC) district located at 829 N. LBJ Street, Suite 104.
7. **SNC-10-02.** Hold a public hearing and consider possible action on a request by Breckenridge Group San Marcos, L.P. to change the name of Copper Beech Drive to Telluride Street, located off of Mill Street approximately 800 feet west of IH-35.
8. **Discussion Items.**

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

Planning Report

- a. Update on proposed downtown form -based code.

Commissioners' Report.

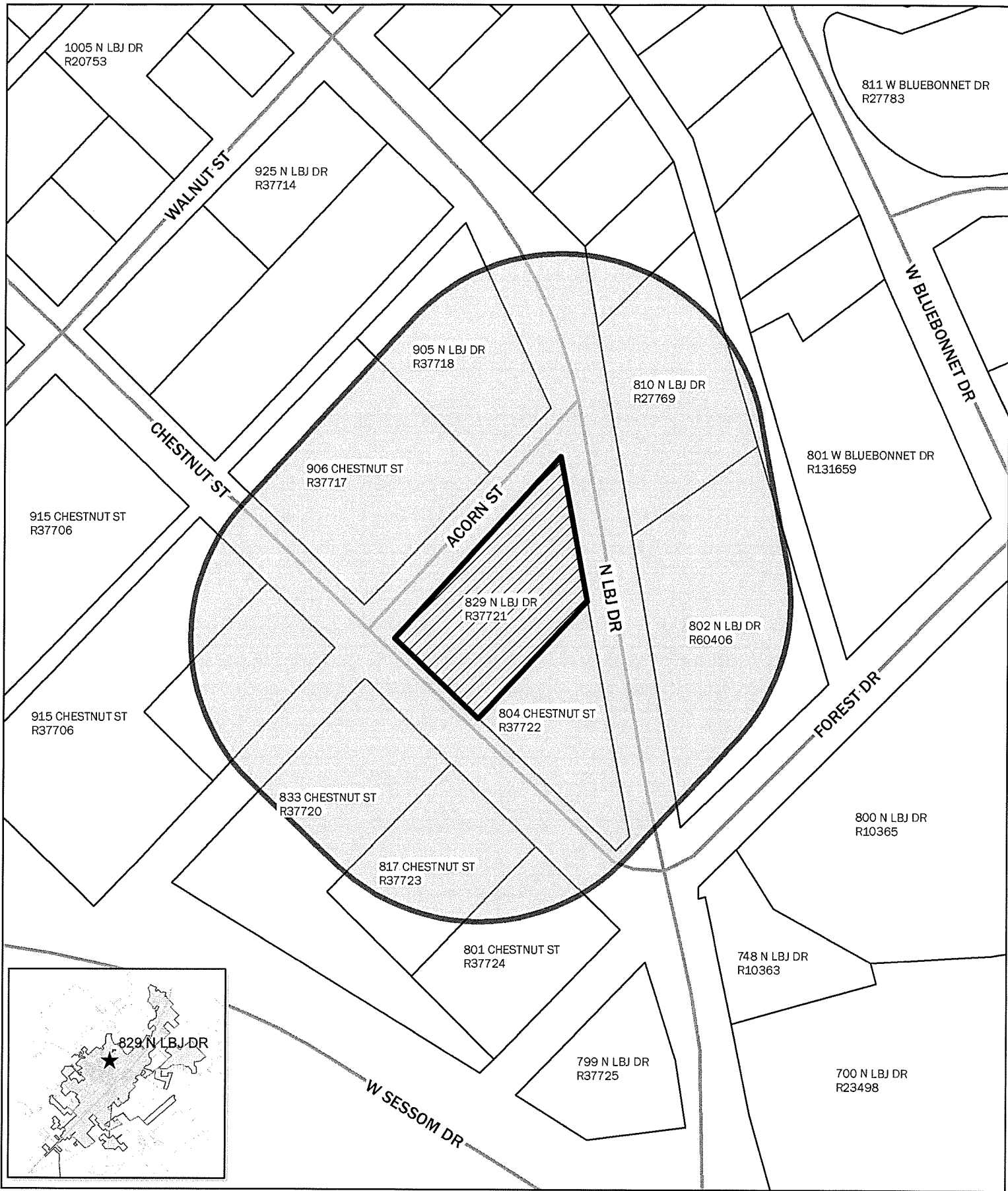
9. Consider approval of the minutes from the Regular Meeting on October 26, 2010.

10. Questions from the Press and Public.

11. Adjourn.

Notice of Assistance at the Public Meetings:


The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.



CUP-10-27

829 N LBJ

Map Date: 10/28/10

 Notification Buffer
(200 feet)

 Site Location

 Historic District

This map was created by Development Services
for reference purposes only. No warranty is made
concerning the map's accuracy or completeness.

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Feet



CUP-10-10
Conditional Use Permit
Bubba Ward
829 N LBJ, # 104



Applicant Information:

Applicant: Bubba Ward
200 Salinas
San Marcos, TX 78666

Property Owner: George Forrester

Applicant Request: A Conditional Use Permit (CUP) to allow a tattoo parlor at 829 N LBJ, #104

Notification: Public hearing notification mailed October 28, 2010.

Response: None

Subject Property:

Location: 829 N LBJ, #104

Legal Description: Park Addition, Third Division, part of Lot 112

Frontage On: North LBJ (Major Arterial)

Neighborhood: N/A

Existing Zoning: NC (Neighborhood Commercial)

Master Plan Land Use: C- Commercial

Sector: Sector 3

Existing Utilities: Adequate for proposed use of a tattoo parlor

Existing Use of Property: Health care office

Proposed Use of Property: Tattoo parlor

Zoning and Land Use
Pattern:

	Current Zoning	Existing Land Use
N of Property	MF-24	Apartments
S of Property	NC	Commercial/Office
E of Property	NC	Apartments
W of Property	MF-24	Commercial/Office

Code Requirements:

A conditional use permit allows the establishment of uses/structures which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

Planning Department Analysis:

The applicant is seeking a conditional use permit to operate a tattoo in one of the suites in the commercial retail center at 829 N LBJ. This property is currently improved with three buildings that house several suites, with a variety of uses. Adjacent uses include offices and medical offices, restaurants, and beauty salons.

The subject property is approximately .53 acres in size and is located just north of the intersection of Sessom Drive and LBJ. LBJ is a major arterial that connects the Central Business Area to Hunter Road, and is a gateway into the Downtown Area. The subject property is located in a small commercial district, but is not within an area that has a neighborhood association, or within any Historic Districts.

The request appears consistent with the character of the area and the future land use designation for the property. The requested tattoo parlor is a neighborhood service which does not appear to be unreasonable or create adverse impacts to the surrounding properties in the form of increased traffic or nuisance.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit

Planning Department Recommendation:	
X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
- The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;

- The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
- The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Attachments:

Location map	Application
Site Plan	Photos
Notification Letter	Notification List

Prepared by:

Christine Barton-Holmes	Chief Planner	11/1/10
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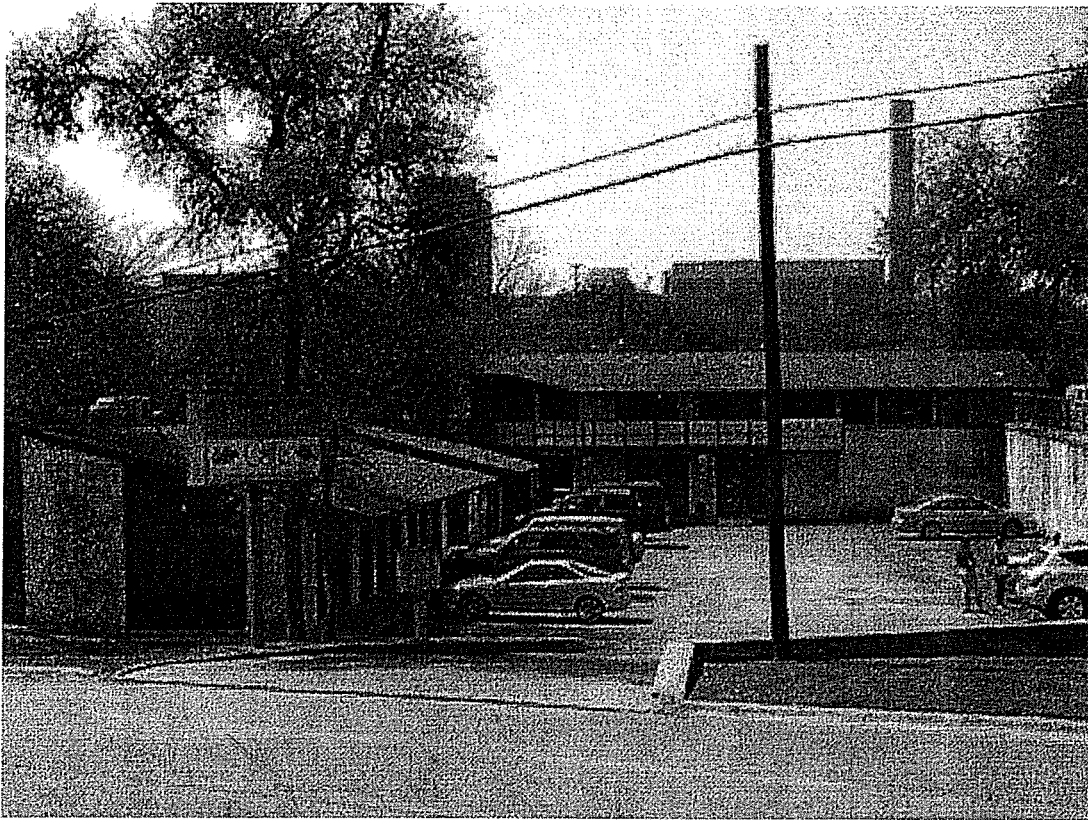
Name	Title	Date
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ForrReal, LLC

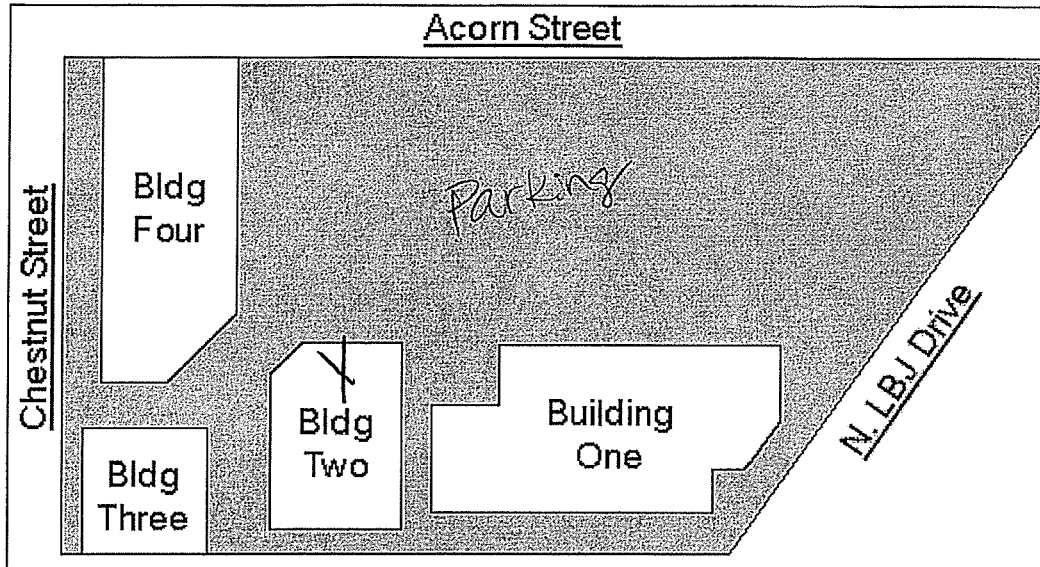
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- [. Listings](#)
- [. Contact](#)
- [. Admin](#)

[829 N. LBJ](#)

[Building One](#) [Building Two](#) [Building Three](#) [Building Four](#)



All units at this property are currently leased.

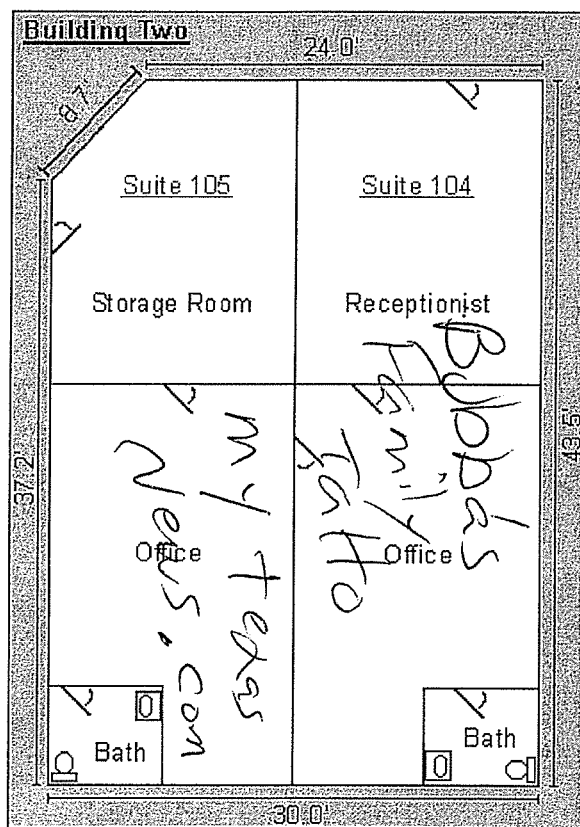


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829 N. LBJ

Building One Building Two Building Three Building Four

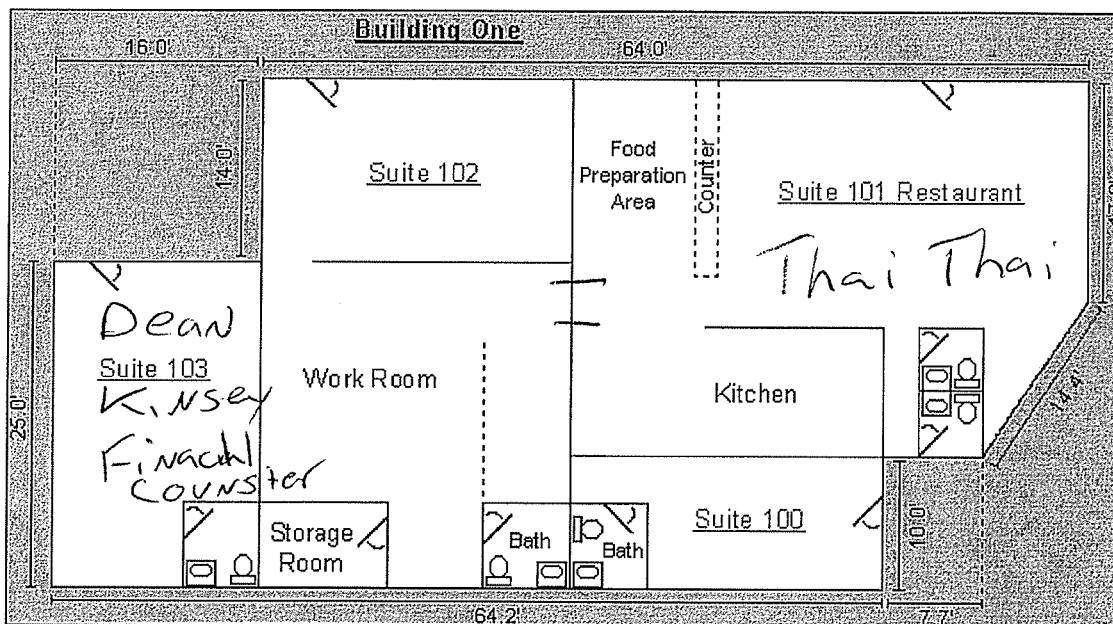


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829 N. LBJ

Building One Building Two Building Three Building Four

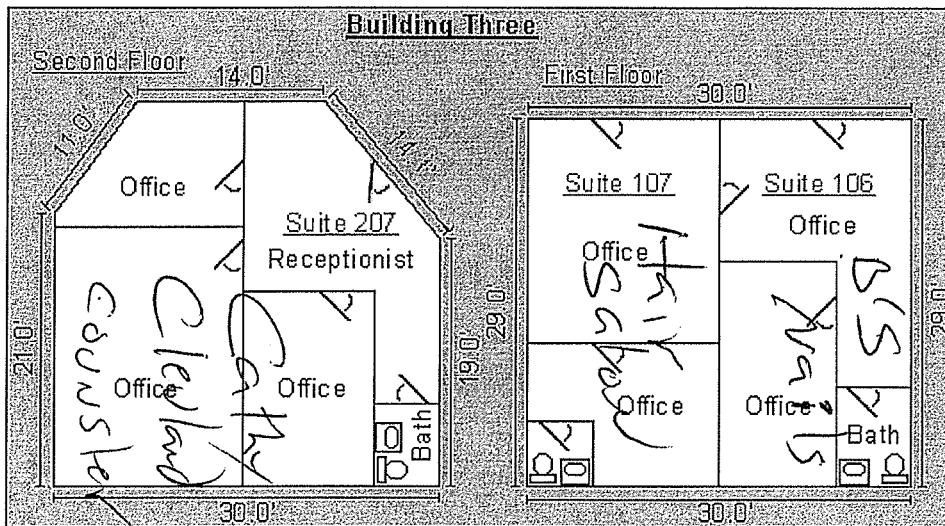


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829 N. LBJ

Building One Building Two Building Three Building Four

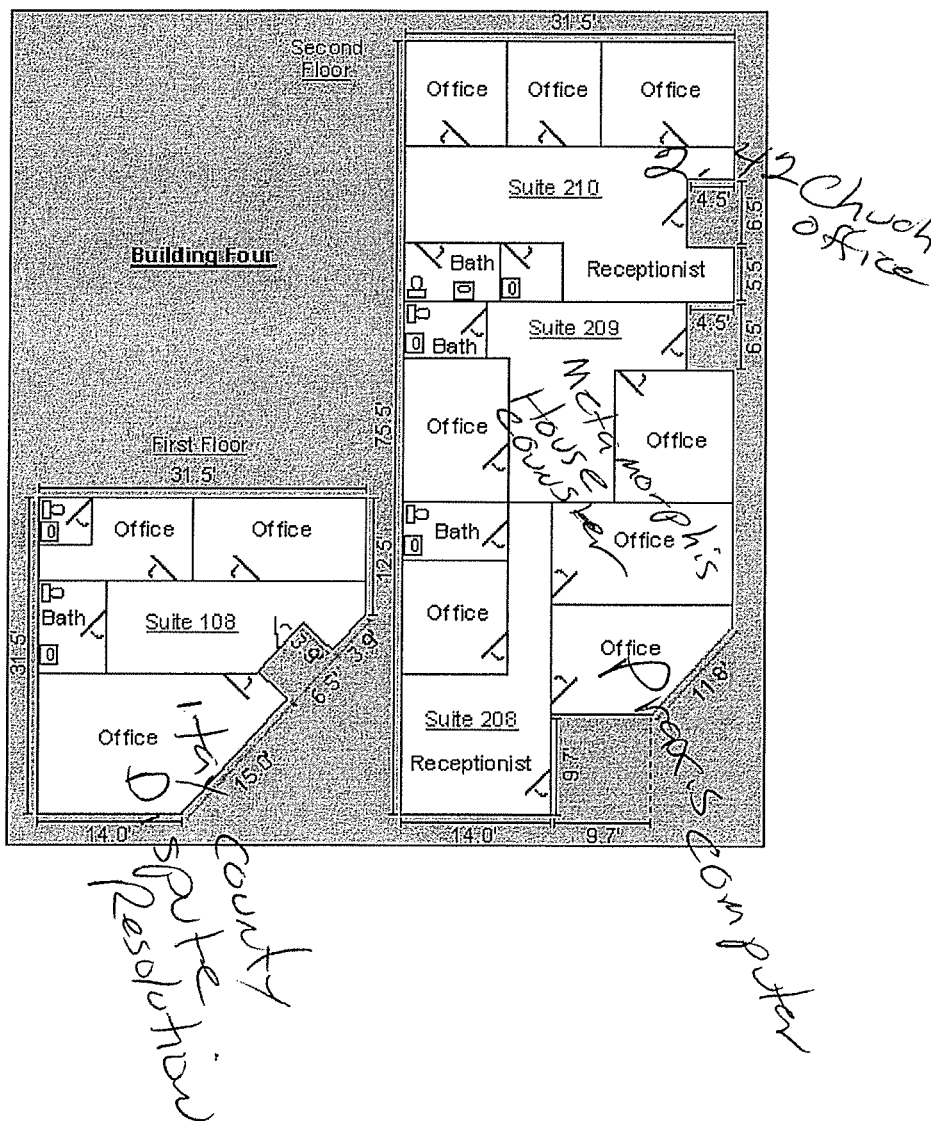


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- Listings
- Contact
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829 N. LBJ

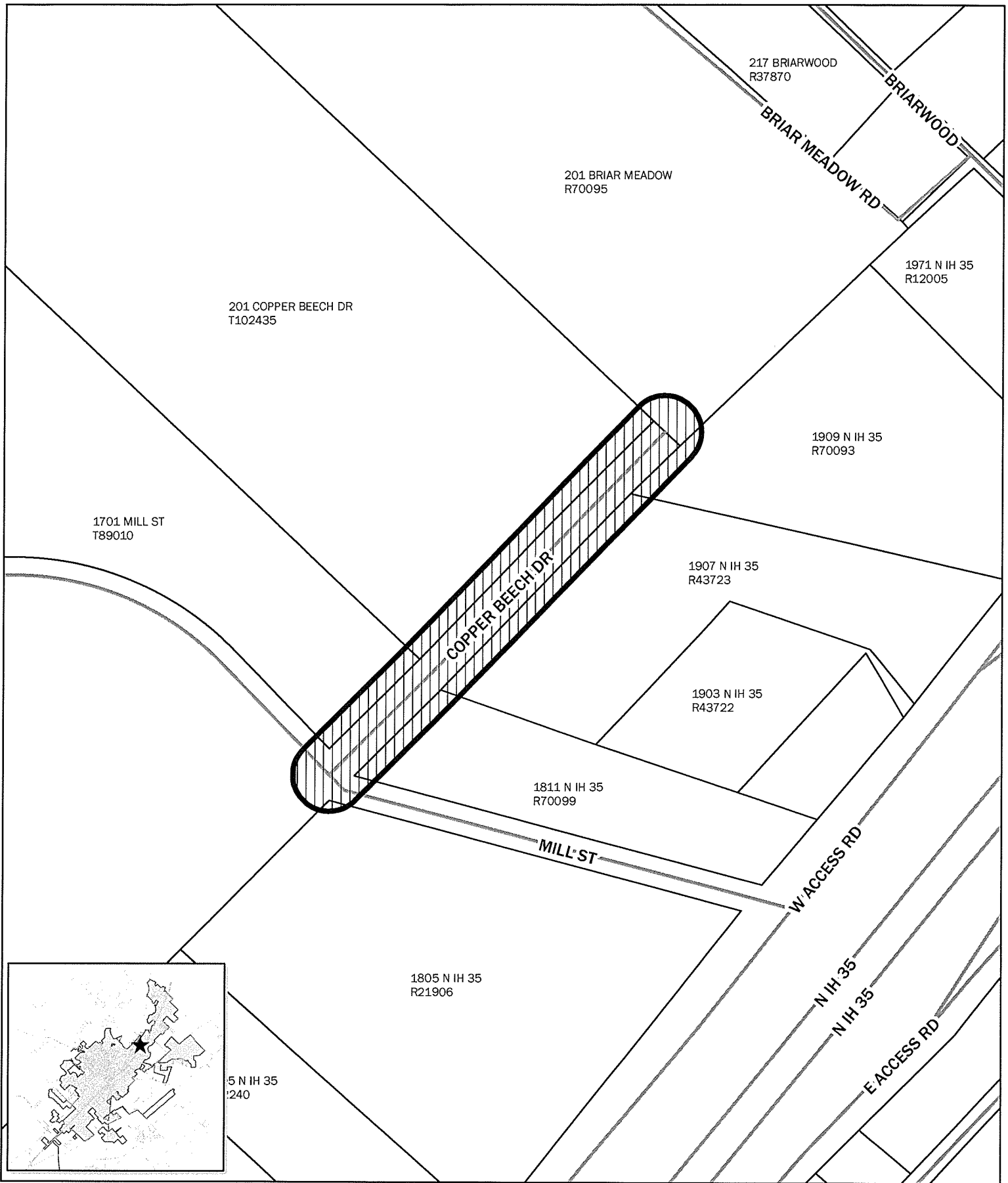
Building One Building Two Building Three Building Four






I Authorize Bubba ward as my agent for
This Cup.

George Forresta

A stylized handwritten signature, likely of George Forresta, consisting of a large, sweeping 'A' followed by a horizontal line.



SNC-10-02
Copper Beech / Telluride
Map Date: 10/28/10

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.

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Feet



SNC-10-02

Street Name Change

Copper Beech Drive to Telluride Street



Applicant Information:

Applicant: Breckenridge Group San Marcos, L.P.
7004 Bee Cave Road
Bldg 3, Suite 330
Austin, TX 78746

Applicant's Request Change the name of Copper Beech Drive to Telluride Street,
Located off of Mill Street, approximately 800 feet west of IH-35

Public Hearing Notice Notification of a public hearing was mailed on October 29, 2010.
Notification was published in the newspaper on October 29, 2010.

Comments from Other Departments:

Administration: No opposition.
Police Department: No opposition.
Fire Department: No opposition.
Department of Development Services: No opposition.
Department of Public Services: No opposition.
Department of Community Services: No opposition.
City Attorney: No opposition.
City Marshall: No opposition.
GIS Administrator: No opposition.
Records/Communication Manager: No opposition.
Hays County GIS: No opposition.

Planning Department Analysis:

Copper Beech Drive was created by the final plat of Copper Beech Subdivision, which was approved by the Planning & Zoning Commission on April 28, 2009. Copper Beech Subdivision is a two lot subdivision containing 37.75 acres which is being developed into a multi-family development. When platted Copper Beech Drive was a 212 feet long stub-out street and no property was addressed off of this street. The Copper Beech development is address off of Mill Street.

On July 27, 2010 the Planning & Zoning Commission approved the final plat of Aspen Heights which is the adjacent tract north Copper Beech Subdivision. Aspen Heights is a one lot sub division containing 20.55 acres which is being developed as a multi-family complex. Aspen Heights fronts and is addressed off of Copper Beech Drive. For branding and marketing purposes, the owner of Aspen Heights has requested the name of Copper Beech Drive be changed to Telluride Street.

Staff has reviewed this request for a street name change for consistency with City ordinances and policies.

Section 74.056 of the San Marcos City Code allows the name change of a public street to be initiated by a citizen petition. The petition shall be considered initially by the planning and zoning commission and shall be considered only if more than 50 percent of the owners of businesses addressed along the street and more than 50 percent of the owners of property addressed along the street in question have signed the petition in favor of the change. In the case of this request – 100 percent of the owners of businesses addressed along the street and 100 percent of the owners of property addressed along the street in question have signed the petition in favor of the change.

The Planning and Zoning Commission shall apply the following criteria in considering the proposed street name:

Criteria:

Staff Analysis:

- | | |
|---|---|
| 1. Multiple names along the continuity of a single street or along two streets that are in substantial alignment shall be avoided. | Meets criteria. |
| 2. Consideration shall be given to historical and geographical significance of a street or area or to the recognition of a significant personal achievement. | No historical or geographical significance noted by either the existing street name or the proposed street name. |
| 3. A new street name shall not duplicate or sound phonetically similar to the name of a street already in use in the city or the city's extraterritorial jurisdiction or designated as a future extension in the current thoroughfare plan. | Meets criteria. |
| 4. A new street name shall not differ from an existing street name except by the addition of a different auxiliary designation including "avenue", "way", "boulevard", etc. | Meets criteria. |
| 5. The Planning and Zoning Commission shall also review any other pertinent criteria in its consideration of a street name change. | The Planning and Zoning Commission may hold discussions regarding any other pertinent information as part of their discretionary decision on the proposed street name change. |

The Planning and Development Services Department seeks the advice and a recommendation from the Planning and Zoning Commission regarding this proposed street name change after all pertinent criteria have been discussed.

Planning Departments recommendation

Approval as submitted.

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed street name change. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will

ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

The Commission's advisory recommendation to the Council is a discretionary decision. Your recommendation should be based on the standards listed in section 74.057 of the San Marcos City Code.

List of Attachments:
Application

Prepared by:

Phil Steed, Planner

Title

2010 OCT 19 AM 8:49

11/09

DEVELOPMENT SERVICES
CITY OF SAN MARCOS

SNC-10-02

**CITY OF SAN MARCOS
STREET NAME CHANGE APPLICATION & PETITION**

APPLICANT

Name: Breckenridge Group San Marcos, LP Day-Time Phone: 512-369-3030

Mailing Address: 7004 Bee Cave Rd, Bldg 3, Ste 330, Austin, TX
78746

REQUESTED CHANGE

Existing Street Name: Copper Beech Drive

Proposed Street Name: ~~Mills Crossing~~ Telluride Street

Description of Street Location: From the intersection with Mill Street
to its intersection with _____.

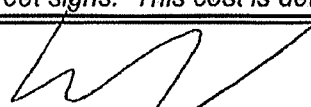
Reasons for requested change: Street name was chosen by the development
"Copper Beech" yet none of their properties will be addressed off the
street. Therefore the privately named street is misleading and is a
hindrance to those properties that will be addressed from it.

AFFECTED PROPERTIES:

Number of Property Owners Affected: 4

Number of Businesses Affected: 2

**Note: To be accepted as complete, more than 50% of the owners of businesses and 50% of the owners of property addressed (affected) on this street must sign the accompanying petition. A filing fee of \$150.00 is required. If approved, you must pay the cost of replacing street signs. This cost is determined by the Director of Public Services*



Signature of Applicant

7/23/10
Date

Printed Name: Greg Henry, General Partner

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DEVELOPMENTAL SERVICES
CITY OF SAN MARCOS

CITY OF SAN MARCOS
CITIZEN PETITION
STREET NAME CHANGE

Telluride STREET

PROPERTY OWNERS:

Printed Name	Signature	Address	Lot No. or TAX ID No.
90 San Marcos, LTD	x	MAJID HENNESSY	Parcel # R70
90 San Marcos, LTD	x	MAJID HENNESSY	Parcel # R70
90 San Marcos, LTD	x	MAJID HENNESSY	Parcel # R70
90 San Marcos, LTD	x	MAJID HENNESSY	Parcel # R70
Breckenridge Group	Norrat Kalientant	MAJID HENNESSY	Parcel # R70
San Marcos, LP	x	MAJID HENNESSY	(Property under con Future owner)

DEVELOPMENT SERVICES
CITY OF SAN FRANCISCO

CITY OF SAN MARCOS CITIZEN PETITION STREET NAME CHANGE

~~Mills~~
elluride
STREET

DRFM Investments
Majid Kemmisi

Business Name

- # Aspen Heights

DIVISION 2. STREET NAMES

Sec. 74.056. Initiation of changes by petition.

- (a) A change in the name of a public street may be initiated by a citizen petition. The petition shall be in a form prescribed by the director of planning and development services.
- (b) The petition shall be considered initially by the planning and zoning commission and shall be considered only if more than 50 percent of the owners of businesses addressed along the street and more than 50 percent of the owners of property addressed along the street in question, insofar as they can reasonably be determined, have signed the petition in favor of the change.
- (c) In considering the petition, the planning and zoning commission shall conduct a public hearing and shall apply the following criteria:
 - (1) Multiple names along the continuity of a single street or along two streets that are in substantial alignment shall be avoided;
 - (2) Consideration shall be given to historical and geographical significance of a street or area or to the recognition of a significant personal achievement;
 - (3) A new street name shall not duplicate or sound phonetically similar to the name of a street already in use in the city or the city's extraterritorial jurisdiction or designated as a future extension in the current thoroughfare plan;
 - (4) A new street name shall not differ from an existing street name except by the addition of a different auxiliary designation including "avenue," "way," "boulevard," etc.; and
 - (5) The planning and zoning commission shall also review any other pertinent criteria in its consideration of a street name change.
- (d) Notice of the public hearing by the planning and zoning commission shall be given by publication one time in a newspaper of general circulation in the city and by first class mail to all owners of businesses addressed along the street and owners of property addressed along the street, insofar as they can reasonably be determined, at least ten days in advance of the hearing.
- (e) A petition shall be accompanied by a nonrefundable administrative fee established by the city council for the processing of the request. This fee may be waived by the city council.
- (f) After the planning and zoning commission has considered the street name change request, its recommendation shall be forwarded to the city council. The city council shall hold a public hearing, and shall apply the criteria described in subsection (c) of this section in determining whether to grant the request.
- (g) Street name changes approved by the city council shall be adopted by separate ordinance and shall be implemented by the department of planning and development services. If the request is approved by the city council, an additional fee for the manufacture and installation of replacement street name signs shall be assessed by the director of public works. The city council reserves the right to waive this fee.
- (h) The planning and development services department shall notify the appropriate emergency service agencies; gas, telephone, public utility companies; all appropriate city and county offices; the U.S. Post office; and the San Marcos Consolidated Independent School District of a street name change.

(Code 1970, § 25-8)

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
October 26, 2010**

1. Present

Commissioners:

Sherwood Bishop, Chair
Bill Taylor, Vice-Chair
Jude Prather
Bill Taylor
Randy Bryan
Bucky Couch
Jim Stark
Chris Wood

City Staff:

Christine Barton-Holmes, Chief Planner
Francis Serna, Recording Secretary
John Foreman, Planner
Abigail Gillfillan, Planner
Adam Johnson, Intern

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday October 26, 2010 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Bishop welcomed the audience.

4. NOTE: *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

5. Citizen Comment Period

There were no citizen comments.

6. CUP-10-24. County Government Center. Hold a public hearing and consider possible action on a request by Hays County to allow the use of metal as a façade material at 712 S. Stagecoach Trail.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Prather and a second by Commissioner Wood, the Commission voted all in favor to approve CUP-10-24 as submitted. The motion carried unanimously.

7. CUP-10-25. The Village of San Marcos. Hold a public hearing and consider a request by Amy Ledbetter Parham, on behalf of Village of San Marcos, to allow a professional office for area non-profit organizations to be located within the Public (P) Zoning District at 215 S Reimer Ave.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Bryan, the Commission voted all in favor to approve CUP-10-25 as submitted. The motion carried unanimously.

8. CUP-10-26. Gabriel's Wine & Liquor Outlet. Hold a public hearing and consider possible action on a request by Gabriel GP, Inc. for renewal of a Conditional Use Permit to allow the consumption of mixed alcoholic beverages at 4200 S. IH 35 Suite 100.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Couch and a second by Commissioner Prather, the Commission voted all in favor to approve CUP-10-26 with the condition that the CUP be valid for three (3) years, provided standards are met, subject to the point system. The motion carried unanimously.

9. LUA-10-11. The Park at Willow Creek. Hold a public hearing and consider possible action on a request by Joel Richardson, P.E., on behalf of Robert W. McDonald III, to amend the Future Land Use Map from Commercial (C) to Medium Density Residential (MDR) on 3.41 acres out of Lot 35, The Park at Willow Creek, at 330 Stagecoach Trail.

Commissioner Wood and Prather recused themselves from the discussion and possible action regarding LUA-10-11; ZC-10-15; ZC-10-16; and ZC-10-17.

Chair Bishop opened the public hearing for items LUA-10-11; ZC-10-15; ZC-10-16; and ZC-10-17. Robert McDonald, the applicant, gave a brief overview of the proposed project. He stated he was available to answer questions. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Couch and a second by Commissioner Stark, the Commission voted all in favor to approve LUA-10-11 as submitted. The motion carried unanimously.

10. ZC-10-15. The Park at Willow Creek. Hold a public hearing and consider possible action on a request by Joel Richardson, P.E., agent for Robert W. McDonald III for a Zoning Change on 3.22 acres out of Lot 35, The Park at Willow Creek from OP (Office Professional) to SF-4.5 (Single-Family Residential) to develop single-family home sites at 330 Stagecoach Trail.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Kelsey, the Commission voted all in favor to approve ZC-10-15 as submitted. The motion carried unanimously.

11. ZC-10-16. The Park at Willow Creek. Hold a public hearing and consider possible action on a request by Joel Richardson, P.E., agent for Robert W. McDonald III for a Zoning Change on 0.19 acres out of Lot 35, The Park at Willow Creek from OP (Office Professional) to TH (Townhouse Residential) to develop single-family attached home sites at 330 Stagecoach Trail.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Bryan, the Commission voted all in favor to approve ZC-10-16 as submitted. The motion carried unanimously.

12. ZC-10-17. The Park at Willow Creek. Hold a public hearing and consider possible action on a request by Joel Richardson, P.E., agent for Robert W. McDonald III for a Zoning Change on 2.65 acres out of Lot 34, The Park at Willow Creek from TH (Townhouse Residential)) to SF-4.5 (Single-Family Residential) to develop single-family home sites at 350 Stagecoach Trail.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Bryan, the Commission voted all in favor to approve ZC-10-17 as submitted. The motion carried unanimously.

13. Renewable Energy Systems Ordinance. Hold a public hearing and consider action on an amendment to the Land Development Code to insert an ordinance into Chapter 4 for Renewable Energy Systems and to include Small Renewable Energy Systems and Large Renewable Energy Systems in the Land Use Matrix and Chapter 8(Definitions) of the Land Development Code.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Prather and a second by Commissioner Bryan, the Commission voted all in favor to recommend to City Council approval to amend the Land Development Code to include the Renewable Energy Systems Ordinance. The motion carried unanimously.

Discussion Items.

Planning Report

- a. Update on proposed downtown form-based code.

Christine Holmes gave a brief overview of the scheduled events for the Interactive Session on Downtown Code Planned.

Commissioners' Report

The Commissioners reported on their experience at the 2010 American Planning Association Conference held in San Antonio, Texas on October 6-8.

- 15.** Consider approval of the minutes from the Regular Meeting on September 28, 2010.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Wood, the Commission voted all in favor to approve the minutes of the regular meeting on September 28, 2010. The motion carried unanimously.

16. Questions and answers from the Press and Public.

There were no questions from the public.

17. Adjournment

Chair Bishop adjourned the Planning and Zoning Commission at 7:21 p.m. on Tuesday, September 28, 2010.

Sherwood Bishop, Chair

Bill Taylor, Commissioner

Jim Stark, Commissioner

Jude Prather, Commissioner

Chris Wood, Commissioner

ATTEST:

Francis Serna, Recording Secretary